



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

JGJr: 09-04

Paper No: ____

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

COPY MAILED

SEP 30 2004

OFFICE OF PETITIONS

In re Application of :
Chung, et al. :
Application No. 10/808,141 : **DECISION ON PETITION**
Filed: 24 March, 2004 :
Attorney Docket No.: 5649-919DV :

This is a decision on the petition under 37 C.F.R. §1.10, filed on 16 August, 2004, and seeking for the above-identified application a filing date of 24 March, 2004, instead of the presently accorded filing date of 25 March, 2004.

The petition is **GRANTED**.

BACKGROUND AND ANALYSIS

The record reflects that:

- the instant application was received and given a filing date of 25 March, 2004;
- the petition recites that attachments/enclosures include, *inter alia*, copy of the US Postal Service (USPS) Express Mail Label (No. EV193584260US), and indicates that the “date in” is not completed, however, a USPS date stamp of 24 MAR 2004 does appear on the face of the label;
- the USPS Express Mail Label No. EV193584260US is set forth in the Certificate of Express Mailing on the second page of the Application Transmittal; and
- Petitioner submitted a copy of the printout from the USPS Track and Confirm, which indicates that the package was accepted by the USPS as follows: “ACCEPTANCE: March 24, 2004, 5:38 p.m. RALEIGH, NC 27612.

Accordingly the petition hereby is **granted**.

The instant file is released to OIPE to correct the filing date so as to accord a filing date of 24 March, 2004, to the instant application and to mail to Petitioner a corrected filing receipt reflecting a filing date of 24 March, 2004.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3214.

A handwritten signature in black ink, appearing to be 'J. Gillon', with a long horizontal stroke extending to the right.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions